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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,171	02/27/2004	Kozo Yamamoto	ED-US030151	4883

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/787,171

Applicant(s)

YAMAMOTO ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/22/05</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Information Disclosure Statement

2. The information disclosure statement filed September 22, 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stromberg, US 3,138,011.
 - a. Claims 1-9 & 13-18. Figs. 1 & 2 show a damper mechanism comprising: a first rotating member 10; a second rotating member 7 being configured to rotate relative to the first rotating member; a pair of first elastic members A (28, 30), the first elastic members being aligned in a rotational direction to operate in series with each other in the rotational direction (see also col. 3, lines 8-21); and a second elastic member C being configured to

operate in parallel with the pair of first elastic members (see Fig. 3), the second elastic member being configured to be compressed in the rotational direction after the pair of first elastic members is compressed to a first angle (see Fig. 3) due to relative rotation of the first and second rotating members. Fig. 2 shows the second elastic member C and the first pair of elastic members A are aligned in the rotational direction. Fig. 2 shows two pairs of first elastic members A and a plurality of second elastic members C are placed between the plurality of pairs of first elastic members in the rotational direction. Fig. 2 shows the second elastic member C is placed in the same radial position as that of the first elastic members A. In col. 2, lines 36-56, Stromberg discloses a supporting member 14 is arranged between one elastic member 28 of the first pair of elastic members A and the other elastic member 30 of the pair A in the rotational direction, the rotational member being configured to contact rotational ends of the pair of first elastic members. Fig. 1 shows the second rotating member 7 is fixed to hub 12 and arranged to interpose the first rotating member 10 in an axial direction.

b. Claims 1, 10-13, 19 & 20. Figs. 1 & 2 show a damper mechanism comprising: a first rotating member 10; a second rotating member 7 being configured to rotate relative to the first rotating member; a pair of first elastic members A (28, 30), the first elastic members being aligned in a rotational direction to operate in series with each other in the rotational direction (see also col. 3, lines 8-21); and a second elastic member B being configured to operate in parallel with the pair of first elastic members (see Fig. 3), the second elastic member being configured to be compressed in the rotational direction after the pair of first elastic members is compressed to a first angle, 3 degrees (see col. 3, line 25) due to

relative rotation of the first and second rotating members. Figs. 1-3 show a third elastic member C being configured to operate in parallel with the pair of first elastic members A and the second elastic member B in the rotational direction, the third elastic member being configured to be compressed in the rotational direction after the pair of first elastic members is compressed to the first angle and the second elastic member is compressed to a second angle, 8 degrees (see col. 3, line 27) due to relative rotation of the first and second rotating members 10 & 7. Full compression of the elastic members A, B, C stops the relative rotation between the first and second rotating members 10 & 7. Fig. 1 shows the second rotating member 7 is fixed to hub 12 and arranged to interpose the first rotating member 10 in an axial direction.

Response to Arguments

4. Applicant's arguments filed September 22, 2005 have been fully considered but they are not persuasive. Applicant argues that in Stromberg the second rotating member 7 fails to "interpose" the first rotating member 10. However, Fig.1 clearly shows the second rotating member 7 interposes (i.e. comes in between) two parts of the first rotating member 10.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berlioux shows Figs. 1 & 2 that a damper mechanism having a first rotating interposed in the axial direction by a second rotating/hub mechanism is a functional equivalent of

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a damper mechanism having a second rotating/hub mechanism interposed in the axial direction by a first rotating mechanism.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
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